IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

ORDER

S.B.CRIMINAL MISC. PETITION NO. 108/2005
(Nokh Ram V/s State of Rajasthan & Ors.)

Date of Order : 28/08/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. Vinod Bhadu for the petitioner.
Mr. Ashok Upadhyay, public prosecutor.
Mr. G.R.Goyal for the non-petitioners.

BY THE COURT:-

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioner has challenged the order dated 30.9.2004 passed by learned Additional Sessions Judge No.1, Sriganganagar (for short 'the revisional court' hereinafter) whereby the revision petition filed by the petitioner against the order dated 18.9.2003 passed by Additional Chief Judicial Magistrate, Sriganganagar (for short 'the trial court' hereinafter), was dismissed.

By order dated 18.9.2003, the trial court accepted the negative final report filed by the police and dismissed the protest petition filed by the petitioner by a well reasoned order.

I have heard learned counsel for the parties.

It is contended by counsel for the petitioner that a

patta has been forged by the non-petitioners.

From the perusal of the record, it appears that the patta was issued in favour of one Panna Lal, by the then Sarpanch and other ward members resolved for issuing of the patta. It may be a different question that whether Panna Lal was entitled for the Patta or not, but it is not the case that the patta has been forged by some one, on the contrary it was issued by the competent authority, may be in violation of certain provisions , but it cannot be said that the patta was forged. The parties have already gone to the civil suit. There is concurrent finding of both the courts below finding no ground to proceed against the non-petitioners.

In the circumstances, therefore, no case for interference is made out in the inherent jurisdiction of this Court. It cannot be said that the order impugned would result in serious miscarriage of justice or abuse of process of the Court. The petition is therefore, dismissed. However, it is made clear that the orders passed by the trial court, revisional court and this Court would not prejudice the case of the parties in the civil suit.

(H.R.PANWAR),J.

rp